In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.W.P.No. 6000 of 2004
Decided on Sept 08,2006.

Jasbir Singh Cheema --petitioner

vs.

The Divisional Dy.Director,Panchayats, Jalandhar etc --respondents

Coram: Hon'ble Mr.Justice Jasbir Singh
Hon'ble Mr.Justice Pritam Pal

Present: Mr. A.K.Walia,Advocate, for the petitioner

Mr. P.S.Chhina,Addl.A.G.Punjab.

Mr.L.R.Sharma,Advocate,for respondent Nos. 7 and 8.

Jasbir Singh J:(Oral)

This writ petition has been filed by Ex-Sarpanch, of village Sikandpur, to quash assessment order passed against him, and also the order vide which his appeal was dismissed. It is apparent from the record that the petitioner remained Sarpanch of the village up to the year 1998. Thereafter, one Harbhajan Singh, took over as Sarpanch in the year 1999. Before the authorities below and also before this Court, it is grievance of the petitioner that during enquiry, which was made to assess the amount against him, record of the Gram Panchayat was not available. In para 14 of the writ petition, it has been mentioned as under:-

" That the petitioner respectfully submits that all the enquiry and De-novo enquiries hitherto conducted against the petitioner were conducted in a totally malafide manner without procuring the

relevant record and the reports were submitted mechanically. As a matter of fact Harbhajan Singh respondent who was having the record in his custody went abroad in the year 1999 and handed over the record in an unauthorised manner to his relative- Mewa Singh,respondent of Dongri village, instead of giving the record to the Acting President. It was only on 2.12. 2003 that the record was received by the Panchayat Secretary from Mewa Singh vide letter dated 2.12.2003, Annexure P-9. This shows that all enquiries conducted earlier were conducted without getting the record".

In reply filed by respondent Nos. 1 to 5, 10 & 11, it has been stated thus:-

" That the contents of Para 14 are denied. Sh. Harbhajan Singh respondent who was having the record in his custody and he went abroad in the year 1999 and handed over the record to his relative Mewa Singh. It was only on 2.12.2003 that the record was received by the Panchayat Secretary from Mewa Singh vide letter dated 2.12.2003."

Reading of paragraph referred to above, indicates that when the enquiry was conducted, and thereafter, assessment order was passed, record of the Gram Panchayat, was not available with the officer concerned.

When confronted with this situation, Mr. Chhina, very fairly states that let enquiry be conducted against the petitioner De-novo.

In view of the facts mentioned above, the orders under challenge are set aside. Liberty is granted to the Block Development and Panchayat Officer, to conduct enquiry to assess the amount against the

petitioner as per law. The petitioner is directed to appear before the Block Development and Panchayat Officer on September 25,2006. Complainant/respondent Nos. 7 and 8, shall also appear before that officer,on the said date. The officer concerned is directed to conclude the proceedings within three months from the date, the parties put in appearance before him.

This writ petition stands disposed of.

A copy of this order be given dasti on usual payment.

(Jasbir Singh)
Judge

Sept 08,2006,
RR

(Pritam Pal)
Judge